

Date Mailed May 11, 1999

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

Request of Luck Telephone Company for Approval of Its
Plan to Implement IntraLATA Dialing Parity, Pursuant to
47 U.S.C. § 251(b)(3)

3230-TI-101

**NOTICE OF PROCEEDING
AND
INVESTIGATION AND ASSESSMENT OF COSTS**

Comments Due:
May 26, 1999 – Noon

Address Comments to:
Scot Cullen, Administrator
Telecommunications Division
Public Service Commission
P.O. Box 7854
Madison, WI 53707-7854
FAX (608) 266-3957

FAX Due:
May 25, 1999 – Noon

THIS IS A PROCEEDING TO consider the request of Luck Telephone Company for approval of its plan to implement intraLATA dialing parity in its exchanges in Wisconsin, pursuant to 47 U.S.C. § 251(b)(3). Section 251(b)(3) provides that each local exchange carrier has the duty to provide dialing parity to competing providers of telephone exchange service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no reasonable dialing delays. The applicant's plan for implementing intraLATA dialing parity is attached.

On August 8, 1996, the Federal Communications Commission (FCC) adopted a schedule for implementing intraLATA dialing parity throughout the country. *See* Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, 11 F.C.C.R. 19392 (1996)(Second Report and Order). On March 23, 1999, the FCC revised that schedule to require all local exchange companies (LECs) to file intraLATA toll dialing plans with the state regulatory commissions for each state in which the LEC provides telephone exchange service, if a plan has not yet been filed. The state commission has until June 22, 1999, to act on the filed plans.

In its review, this Commission applies the criteria adopted by the FCC in the Second Report and Order and codified at 47 C.F.R. § 51.213(b):

- (b) A LEC's implementation plan must include:
 - (1) a proposal that explains how the LEC will offer intraLATA toll dialing parity for each exchange that the LEC operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and
 - (2) a proposal for timely notification of its subscribers and the methods it proposes to use to enable subscribers to affirmatively select an intraLATA toll service provider.

In addition, a small telephone company may request a suspension or modification of the requirement for intraLATA dialing parity under 47 U.S.C. § 251(f)(2). That section provides:

The State commission shall grant such petition to the extent that, and for such duration as, the State commission determines that such suspension or modification—

- (A) is necessary—
 - (i) to avoid a significant adverse economic impact on users of telecommunications services generally;
 - (ii) to avoid imposing a requirement that is unduly economically burdensome; or
 - (iii) to avoid imposing a requirement that is technically infeasible; and
- (B) is consistent with the public interest, convenience, and necessity.

NOTICE IS GIVEN that the Commission considers it necessary, in order to carry out its duties, to investigate all books, accounts, practices, and activities of the applicant. The expenses incurred or to be incurred by the Commission which are reasonably attributable to such an investigation will be assessed against and collected from the applicant in accordance with the provisions of Wis. Stat. § 196.85 and Wis. Admin. Code ch. PSC 5.

The Commission requests comments on the above issues. Any party who desires to file comments should submit an **original and 10 copies** as indicated in the box on page 1 and must refer to the docket number. Members of the public need only file an original. These comments must be received by noon on **May 26, 1999**. Comments by fax are due one day earlier. Fax filing cover sheets must state "Official Filing" and include the docket number and the number of pages (limit of 20 pages). File by one mode only.

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The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to get this document in a different format should contact the case coordinator listed below.

Questions regarding this matter may be directed to case coordinator Dennis Klaila at (608) 267-9780.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

LLD:DJK:reb:g:\notice\pending\TEL dialing parity\3230-TI-101 notice

Attachment